

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-15 are pending in the application. Several original claims have been amended to improve claim language. The amended/new claims find solid support in the original specification, e.g., paragraph 0063 of the published application. No new matter has been introduced through the foregoing amendments.

The art rejections relying primarily on *Walton* are noted. Applicants respectfully traverse the rejections because the art *as applied in the Office Action* does not fairly teach or suggest all features of the claimed invention.

As to the independent claims, it is the Office's position that MAC ID disclosed in table 14 of *Walton* is readable on the claimed scheduling ID. Applicants respectfully disagree. According to *Walton* at paragraph 0140 also cited by the Office, table 14 of *Walton* discloses IE type 3 information elements which are sent "if the access point desires to acknowledge that it correctly decoded the RACH PDUs from the user terminals without assigning resources." In other words, the art *as applied in the Office Action* discloses that MAC ID is sent by the base station/access point in a RACH quick acknowledgement (IE type 3) when resources are not assigned or granted to the mobile station that has requested the resources.

In contrast, the claimed invention as defined in the original independent claims specifically require that a scheduling ID be provided in a preamble access grant. In other words, the claimed scheduling ID is sent by the base station when resources can be granted. The claim feature is apparently distinguishable from the prior art teachings *as applied in the Office Action*, and therefore, the invention of the original independent claims is patentable over the art *as applied in the Office Action*.

The rejections of the dependent claims are traversed for at least the same reasons as detailed with respect to the independent claims.

Notwithstanding the above and solely for the purpose of expediting prosecution, Applicants have amended the claims to further distinguish the claimed invention over the art. Specifically, all independent claims now recite that the base station provides a scheduling ID for each preamble sent from the mobile station, or similar wording. The added claim feature finds support in at least paragraph 0063 of the published application.

Since the claimed scheduling ID is provided for each preamble requesting random access data transmission, and is associated with a data transmission channel assigned for the requested random access data transmission, the claimed scheduling ID is session-based, i.e., it is used for a session of random access data transmission. In contrast, MAC ID as well known in the art is device-based and is therefore different from the now clarified claimed scheduling ID.

The deficiency of *Walton* is not deemed curable by the teaching references, and therefore, the independent claims are patentable over the applied art of record.

The dependent claims, including any new claim(s), are considered patentable at least for the reason(s) advanced with respect to the respective independent claim(s).

As to claims 6 and 14, the official notice is noted, and respectfully traversed as being evidentially unsupported. The Office is kindly requested to either cite references that support the allegation that the claim features were known in the art *prior to the present invention*, or to withdraw the official notice.¹

In addition, it appears that the Office has improperly interpreted the claimed term “recover.”

¹ See *MPEP*, section 2144.03 (As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be “capable of such instant and unquestionable demonstration as to defy dispute”) (emphasis added).

Serial No. 10/582,636

The term, from its plain meaning, indicates that the scheduling ID is recovered, i.e., disassociated from the mobile station, once receipt of the random access data, i.e., the random access data transmission session, has been completed. This is well consistent with the feature discussed above with respect to the independent claims, i.e., the scheduling ID is session-based, and when the session is over, the scheduling ID is removed from any association with the mobile station that just has completed the random access data transmission session.

The above, correctly interpreted claim feature is neither disclosed, taught nor suggested by *Walton* in view of the official notice. The Office seems to argued that in *Walton* the MAC ID is recovered, i.e., extracted, from the transmitted signal. A person of ordinary skill in the art would understand that the reference teaching *as applied in the Office Action* is distinguish able from the claim feature.

Therefore, claims 6 and 14 are separately patentable over the reference as applied by the Office.

Each of the rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Serial No. 10/582,636

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S. Ham/

Yoon S. Ham

Registration No. 45307

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: January 27, 2009
YSH/KL/jr